

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UMG RECORDINGS, INC., et al.,)	
)	
Plaintiffs,)	
)	
vs.)	
)	No. 1:17-cv-00365
GRANDE COMMUNICATIONS)	
NETWORKS LLC and PATRIOT MEDIA)	
CONSULTING, LLC,)	
)	
Defendants.)	

DECLARATION OF NICHOLAS B. CLIFFORD

I, Nicholas B. Clifford, declare as follows:

1. I am licensed to practice law in the State of Missouri and am a partner at the law firm of Armstrong Teasdale LLP. I am counsel of record for Defendant, Grande Communications Networks LLC (“Grande”) in this suit against Plaintiffs UMG Recordings, Inc., et al. (“Plaintiffs”). I have been admitted to practice in the Western District of Texas on a *pro hac vice* basis pursuant to ECF No. 84 entered on April 20, 2018. I submit this declaration in support of Defendant Grande Communications Networks LLC’s Motion to Authorize Service of Third-Party Subpoena by U.S. Marshal. I have personal knowledge of the facts set forth below and if called upon and sworn as a witness, I could and would competently testify to them.

2. Exhibit 1 is a true and accurate copy of the web page, www.ip-echelon.com, visited on May 24, 2018.

3. Exhibit 2 is a true and accurate copy of the web page, <https://www.smh.com.au/technology/meet-australian-company-ipechelon-one-of-the-biggest-antipiracy-operations-in-the-world-20150429-1mw93k.html>, last visited on May 24, 2018.

4. Exhibit 3 is a true and accurate copy of the web page, <https://torrentfreak.com/piracy-phishing-scam-targets-u-s-isps-subscribers-160624/>, last visited on May 24, 2018.

5. Exhibit 4 is a true and accurate copy of the IP-Echelon subpoena.

6. Armstrong Teasdale engaged Civil Action Group, Ltd. to serve the IP-Echelon subpoena on IP-Echelon at its office located at 7083 Hollywood Blvd., 1st Floor, Los Angeles CA 90028. Civil Action attempted service at 3:28 pm on May 17, 2018, but the building receptionist at the ground floor would not verify if IP-Echelon was a tenant and refused to contact IP-Echelon. *See* Exhibit 5. On May 22, 2018, Civil Action attempted to serve IP-Echelon again, but the unidentified building receptionist refused to permit entry into the building or to provide any information at all. *See* Exhibit 6.

7. I visited the California Secretary of State Business Search website (<https://businesssearch.sos.ca.gov>) to search for information on IP-Echelon Pty, Ltd. (“IP-Echelon”), but my search returned “0 entity records” for a corporation name search and for a LP/LLC name search. Accordingly, I could not identify any registration for IP-Echelon, and I could not identify a registered agent for service of process for IP-Echelon.

8. On Monday, May 21, 2018, I called IP-Echelon’s US telephone number ((310) 606-2747) listed on the www.ip-echelon.com website. I was unable to reach anybody and left a message, requesting a return call to me. I have not received a return telephone call from IP-Echelon. I also sent an email to the address (enquiries@ip-echelon.com) listed on the www.ip-echelon.com website, attaching Grande’s subpoena and requesting that IP-Echelon contact me about the subpoena. I have not received a return email from IP-Echelon.

9. Attached as Exhibit 7 is a true and accurate copy of a PGP-authenticated infringement notice received by Grande from Adrian Leatherland of IP-Echelon (via email from p2p@copyright.ip-echelon.com), dated April 18, 2017.

10. Attached as Exhibit 8 is a true and accurate copy of a non-authenticated, non-PGP signed infringement notice received by Grande purporting to be from Adrian Leatherland of IP-Echelon (via email from copyright@ip-echelon.net), dated June 27, 2016.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 24, 2018 in St. Louis, Missouri.

/s/ Nicholas B. Clifford
Nicholas B. Clifford